

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

EQUAL EMPLOYMENT)	
OPPORTUNITY COMMISSION,)	
Plaintiff,)	Judge Joan B. Gottschall
v.)	
)	Case No. 23 cv 2804
SUNNYBROOK EDUCATION)	
ASSOCIATION, IEA-NEA,)	
Defendant)	

JOINT INITIAL STATUS REPORT

Pursuant to this Court’s order dated July 18, 2023, Dkt. 14, Plaintiff U.S. Equal Employment Opportunity Commission and Defendant Sunnybrook Education Association, IEA-NEA submit the following Joint Initial Status Report.

I. Attorneys of Record for Each Party

The U.S. Equal Employment Opportunity Commission (“EEOC”):

Gregory Gochanour
Ethan Cohen
Jonathan Delozano
Emma Heo

Defendant, Sunnybrook Education Association, IEA-NEA (“Sunnybrook” or “SEA”):

N. Elizabeth Reynolds, Allison, Slutsky & Kennedy, P.C.
Patrick J. Foote, Allison, Slutsky & Kennedy, P.C.

II. Basis for Federal Jurisdiction

EEOC invokes the jurisdiction of this Court pursuant to 28 U.S.C. §§ 451, 1331, 1337, 1343 and 1345. This action is authorized and instituted pursuant to Section 706(f)(1) and (3) of Title VII of the Civil Rights Act of 1964, as amended.

III. Nature of the case

EEOC alleges that Sunnybrook violated Section 703(c) of Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000(e)-2, when it discriminated against Eugene Johnson, and caused Sunnybrook School Dist. 171 to discriminate against Johnson because of his race, when Sunnybrook grieved Johnson's promotion, rather than either ignoring his promotion or negotiating a Memorandum of Understanding with the School District as it did in the case of non-Black members who were awarded salaries outside the terms of the collective bargaining agreement. This decision to grieve the promotion deprived Johnson of equal employment opportunities and otherwise adversely affected his status as an employee because of his race.

Defendant SEA has filed a motion to dismiss for failure to join Sunnybrook School District 171 as a party. That motion is currently being briefed. If the motion to dismiss is denied, SEA will answer the complaint, deny the EEOC's allegations and raise affirmative defenses as appropriate.

IV. All parties named in the complaint have been served

V. No consent to proceed before a magistrate judge

The parties do not consent to proceed before the magistrate judge.

VI. Jury demand

EEOC has demanded a jury trial.

VII. Discovery

The parties have not engaged in any discovery. At this point, EEOC expects that discovery will include written discovery, including some ESI, depositions, and expert discovery. If SEA's motion to dismiss is denied, SEA expects that discovery will include written discovery, possibly including some ESI, and depositions. SEA is unable to determine at this time whether expert discovery will be needed.

VIII. Pending Motion

Pending before the Court is the Defendant's motion to dismiss pursuant to Fed. R. Civ. 12(b)(7) and Fed R. Civ. P. 19. The EEOC has filed a response brief on August 9, 2023, and the Defendant's reply brief is due August 23, 2023. Defendant will be filing a motion for extension of time to file its reply brief until August 31, 2023, which EEOC will not oppose.

IX. Settlement

Settlement discussions have not occurred. EEOC is open to discussing settlement, but because the parties have not discussed settlement, does not request a conference at this time. SEA does not request a settlement conference at this time.

X. Proposed discovery schedule

The parties held a Rule 26(f) conference by telephone on August 18, 2023. SEA submits that discovery should be stayed pending the resolution of its motion to dismiss. The EEOC submits that discovery should proceed. If the Court orders discovery to proceed at this time, the parties propose the below discovery schedule:

Date for Initial Rule 26(a)(1) Disclosures: September 20, 2023

Date to Amend Pleadings: 30 days from the date Defendant files an Answer.

Date to Join Parties: March 15, 2024

Parties to complete fact discovery by April 19, 2024

Plaintiff to disclose experts by May 17, 2024

Defendant to disclose experts by June 17, 2024

Parties to complete expert discovery by July 19, 2024

Parties to file dispositive motions by September 16, 2024

XI. Proposed deadline for filing the next status report

The parties propose to file the next status report 30 days from the date the Court issues and order on Defendant's pending Motion to Dismiss.

Respectfully Submitted,

August 18, 2023

/s/ Jonathan Delozano
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/s/ N. Elizabeth Reynolds

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